

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

|   |   |                           |
|---|---|---------------------------|
| Michael E. Murray, Sr.,                       | ) | C/A No. 2:13-1825-JFA-WWD |
|   | ) |                           |
| Petitioner,                                   | ) |                           |
|   | ) |                           |
| v.  | ) | ORDER                     |
|   | ) |                           |
| Warden at MacDougal Correctional Institution, | ) |                           |
|   | ) |                           |
| Respondent.                                   | ) |                           |
| _____   | ) |                           |

The *pro se* petitioner brings this action pursuant to 28 U.S.C. § 2254 challenging his state court sentence. The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and opines that this matter should be dismissed for lack of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The Magistrate Judge sent an order to the petitioner advising him to keep the Clerk advised in writing of his address change. That order was returned to sender. The Magistrate Judge then allowed the petitioner an extension of time to notify the Clerk of his address change. That order was also returned to sender. Finally, the Clerk mailed to the petitioner

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).


a copy of the Report and Recommendation and advised petitioner of his right to file objections to the Report and Recommendation, which was entered on the docket on July 15, 2014. The copy was returned to sender. The plaintiff did not file objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference.

Accordingly, this action is dismissed with prejudice for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Jul 31, 2014  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge